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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE:</b> <b>ROBIN A. WILLIAMS</b> <b>AKA ROBIN A. COLON</b> <b>AKA ROBIN ANN COLON</b> <b>AKA ROBIN ANN WILLIAMS</b> <b>AKA ROBIN COLON</b> <b>AKA ROBIN WILLIAMS</b>  <b>DEBTORS</b>	<b>BANKRUPTCY NO. 19-11188</b>  <b>CHAPTER 7</b>
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**DEBTOR'S MOTION TO AVOID LIEN OF MIDLAND FUNDING, LLC,**  
**PURSUANT TO 11 U.S.C. SECTION 522(F)**

1. Debtor, Robin A. Williams, commenced this action on February 27, 2019 by filing a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code.
2. Jurisdiction of the Bankruptcy Court to hear this motion is provided by 28 U.S.C. Section 1334.
3. This Motion is filed by the Debtor under 11 U.S.C. Sections 522(f) to avoid and cancel the lien of Midland Funding, LLC, on 729 N 8<sup>th</sup> Street, Reading, Pennsylvania 19604 and 1120 Mulberry Street, Reading, Pennsylvania 19604.
4. Midland Funding, LLC currently claims a lien by virtue of a judgment recorded in Berks County to Docket Number 18-19709 in the amount of \$1,500.01 plus costs on Debtor's property located at 729 N 8<sup>th</sup> Street, Reading, Pennsylvania 19604 and 1120 Mulberry Street, Reading, Pennsylvania 19604. See Notice of Judgment or Order attached as Exhibit "A".
5. Midland Funding, LLC alleges that Debtor failed to make monthly payments on a credit card issued to the Debtor, and ceased making such payments on or about November of 2017, which gave rise to the cause of action under which the judgment lien was issued.

6. Debtor owns and resides at his primary residence located 729 N. 8<sup>th</sup> Street, Reading, Berks County, Pennsylvania 19604. The fair market value of the real estate is approximately \$34,184.00. See Debtor's Schedule A/B attached as Exhibit "B".

7. Debtor further owns property located at 1120 Mulberry Street, Reading, Pennsylvania 19604 as a joint tenant with right of survivorship with Antonio L. Colon, and therefore has only a  $\frac{1}{2}$  interest in that property. The fair market value of this property is \$49,016.00. [Exhibit B].

8. There are secured liens on the property located at 729 N. 8<sup>th</sup> Street, Reading, Berks County, Pennsylvania 19604 which include a first mortgage with an approximate combined balance owed of \$13,089.09 held by Wells Fargo Home Mortgage. See Debtors' Schedule D attached as Exhibit "C".

9. Further, there are secured liens on the property located at 1120 Mulberry Street, Reading, Berks County, Pennsylvania 19604 which include a first mortgage with an approximate combined balance owed of \$36,316.00 held by Wells Fargo Home Mortgage. [Exhibit C].

10. As such, Debtor has equity in her primary residence located at 729 N. 8<sup>th</sup> Street, Reading, Berks County, Pennsylvania 19604 in an amount of only \$17,675.51.

11. The Debtor has exempted all equity in the primary residence pursuant to 11 U.S.C. Section 522 (d)(1). The Debtor is therefore entitled to any equity and is entitled to avoid the lien of Midland Funding, LLC. See Debtor's Schedule C attached as Exhibit "D". For this reason, the entire lien on 729 N. 8<sup>th</sup> Street, Reading, Berks County, Pennsylvania 19604 is avoidable under Section 522(f)(1)(a).

12. The existence of this lien on the 729 N. 8<sup>th</sup> Street property held by Debtor impairs exemptions to which the Debtor would be entitled under 11 U.S.C. Section 522(b) on Debtor's personal and real property and such constitute avoidable liens under section 522(b).

13. Further, the Debtor has equity in the her  $\frac{1}{2}$  interest of the property located at 1120 Mulberry Street, Reading, Berks County, Pennsylvania 19604 in an amount of only \$4,000.00.

14. The Debtor has exempted all equity in the 1120 Mulberry Street property pursuant to 11 U.S.C. Section 522 (d)(5). The Debtor is therefore entitled to any equity and is entitled to avoid the lien of Midland Funding, LLC on 1120 Mulberry Street, Reading, Berks County, Pennsylvania 19604. See Debtor's Schedule C attached as Exhibit "D". For this reason, the entire lien is avoidable under Section 522(f)(1)(a).

15. The existence of this lien on the 1120 Mulberry Street property held jointly by Debtor and Antonio L. Colon impairs exemptions to which the Debtor would be entitled under 11 U.S.C. Section 522(b) on Debtor's personal and real property and such constitute avoidable liens under section 522(b).  
16.

17. Under Section 522(f)(1)(A) the lien of Midland Funding, LLC, on Debtor's real property located at both 729 N. 8<sup>th</sup> Street, Reading, Berks County, Pennsylvania 19604 and 1120 Mulberry Street, Reading, Berks County, Pennsylvania 19604 is avoidable because it is a judicial lien which impairs Debtor's exemption in his real property.

**WHEREFORE**, Debtor moves this Court to enter the Order attached hereto, which cancels and avoids the judicial lien on Debtor's primary residence located at 729 N. 8<sup>th</sup> Street, Reading, Berks County, Pennsylvania 19604 and the Debtor's interest in the real property located at 1120 Mulberry Street, Reading, Berks County, Pennsylvania 19604.

**Dated:** March 19, 2019

**/s/Shawn J. Lau**  
Shawn J. Lau, Esquire  
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Attorney for Debtor